

Application No: 10/676,522
Attorney Docket: 1-24391

REMARKS

Claims 7, 10, 14-19 and 46 have been cancelled. Claims 1-6, 8, 9, 11-13, 20-25, 28-45 and 47-49 have been amended. New claim 50 has been added. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Forty-one (41) claims are pending and remain for consideration. Favorable reconsideration of the pending claims is respectfully requested.

The claims have been amended throughout to correct the term "customized" to more broadly read "customizable." Claim 7 has been cancelled and combined with claims 8 and 9, to reduce the claims count. Claims 12 and 30 have been further amended to place the claims in better form. These amendments are made without prejudice or disclaimer and not to avoid prior art or for purposes related to patentability.

Claim Objection

Claim 30 was objected to because of the following informalities: "cutomized" (in line 5) should have read --customized--. The claim has been amended accordingly. This amendment was made to correct a minor typographical error. It was not made to avoid prior art or for purposes related to patentability.

35 U.S.C. § 112 (Second Paragraph)

Claim 46 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that it was not clear what applicant means by "...display...wherein the text, icons, or a combination thereof." Claim 27 has been cancelled. This amendment was not made to avoid prior art or for purposes related to patentability.

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35 U.S.C. § 102

Claims 2, 4, 6-12, 15-21 and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida (US 2001/0026291 A1).

Claims 7, 10, and 15-19 have been cancelled. Claims 2, 4, 6, 8-12, 20, 21 and 26-31 have been amended to recite a "power wheelchair" having a customizable menu structure or a method for customizing a menu of a "power wheelchair". Uchida fails to disclose a "power wheelchair" having a customizable menu structure and a method for customizing a menu of a "power wheelchair," as set forth in the claims. Consequently, the claims are not anticipated by Uchida and thus should be allowable over Uchida as amended.

Claims 4 and 26 further recite menu selection items which are "selectively in the form of text, icons, or a combination thereof." Uchida fails to disclose menu selection items which are "selectively in the form of text, icons, or a combination thereof." Instead, Uchida discloses menu selection items which are in the form of text. The menu selection items are selectively in the form of text, icons, or a combination thereof, as set forth in the claims. As a consequence, claims 4 and 26 should be allowable over Uchida in their own right.

Claims 8 and 9 further recite a wheelchair having a connector for attaching an external device in the form of a personal computer or a handheld device that includes an application capable of changing the customizable menu structure. Uchida fails to disclose a connector for attaching an external device. Instead, Uchida discloses a navigation system that can be embodied in a personal computer or a portable terminal. The navigation system is not connected to an external device. As a consequence, claims 8 and 9 should be allowable over Uchida in their own right.

Claim 11 further recites at least one wheelchair component. Claim 12 depends from claim 11 and further defines the wheelchair component as a drive wheel motor, a seat actuator, a legrest actuator, or an environmental control module. Uchida fails to disclose a wheelchair component, as set forth in claim 11, or a drive wheel motor, a seat actuator, a legrest actuator, or an environmental control module, as set forth in

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claim 12. As a consequence, claims 11 and 12 should be allowable over Uchida in their own right.

Claim 28 further recites the step of changing the customized menu structure with an external device connected to the wheelchair, wherein the external device is a personal computer or a handheld device that includes an application capable of changing the customizable menu structure. Claims 28 and 29 should be allowable over Uchida in their own right for the same reasons as claims 8 and 9, as set forth above.

35 U.S.C. § 103

Claims 1, 3, 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida and Jobs et al. (US 6,686,938 B1).

Claim 1 has been amended to recite a "power wheelchair" having a customizable menu structure. Uchida fails to disclose a "power wheelchair" having a customizable menu structure, as set forth in claim 1. Consequently, claim 1 should be allowable over Uchida as amended. Jobs fails to cure the deficiencies in Uchida. As a consequence, claim 1 should be allowable over Uchida and Jobs.

Claims 3 and 32 respectively depend from claims 2 and 31 and should be allowable over Uchida for at least the same reason(s) as claims 2 and 20, as set forth above. Jobs fails to cure the deficiencies in Uchida. As a consequence, claims 3 and 31 should be allowable over Uchida and Jobs.

Claim 14 has been cancelled.

Claims 5, 37 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida and Bergeron et al. (US 6,246,410 B1).

Claims 5 and 37 respectively depend from claims 2 and 31 and should be allowable over Uchida for at least the same reason(s) as claims 2 and 20, as set forth above. Bergeron fails to cure the deficiencies in Uchida. As a consequence, claims 5 and 37 should be allowable over Uchida and Bergeron.

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Claims 13, 24, 33-36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida and Rice (US 5,345,226).

Claims 13, 24, 33-36, 38 and 39 depend from claims 2, 21 and 31 and should be allowable over Uchida for at least the same reason(s) as claims 2, 21 and 31, as set forth above. Rice fails to cure the deficiencies in Uchida. As a consequence, these claims should be allowable over Uchida and Rice.

In addition, claims 13 and 24 recite one or more actuators, one or more environmental control modules, and a customized menu structure that is customizable to include a menu selection item for each one of the actuators and each one of the control modules in accordance with the user's preferences. Uchida and Rice fail to disclose a menu structure that is customizable to include a menu selection item for actuators and control modules. In the absence of such teaching, claims 13 and 24 should be allowable.

Claims 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida and Littlejohn et al (US 5,003,000).

Claims 22, 23 and 25 depend from claim 21 and should be allowable over Uchida for at least the same reason(s) as claim 21, as set forth above. Littlejohn fails to cure the deficiencies in Uchida. As a consequence, these claims should be allowable over Uchida and Littlejohn.

Conclusion

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

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Telephone Interview

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicants' attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicants' attorney may be contacted at (419) 255-5900.